

Summary  
Environmental Rules Board  
Indiana Government Center South  
Conference Room A  
Indianapolis, Indiana  
Wednesday, October 9, 2013

**1. CALL TO ORDER**

Chair Beverly Gard called the meeting to order at 1:30 p.m. A quorum was present.

Members present: Beverly Gard; William Etzler; Tom Anderson; Ted Niemiec; Gary Powdrill; Ken Rulon; Chris Horn; Gail Boydston; Joanne Alexandrovich; Kelly Carmichael; Mike Mettler; Pam Fisher; Chris Smith (substituting for Cameron Clark); David Bausman; and Keith Baugues (substituting for Tom Easterly).

Present for IDEM: Roger Letterman, Deputy Assistant Commissioner, Office of Air Quality (OAQ); Bruce Palin, Assistant Commissioner, Office of Land Quality; Matt Stuckey, Branch Chief, Permit Branch, OAQ; Nancy King, Branch Chief, Rules Development Branch, Office of Legal Counsel (OLC); and Chris Pedersen, Section Chief, Rules Development Section, OLC.

**2. INTRODUCTION OF BOARD MEMBERS**

Chair Gard asked the board members to introduce themselves and their affiliations.

**3. APPROVAL OF MEETING SUMMARY**

Chair Gard called for approval of the August 14, 2013 meeting summary. A motion was made and seconded to accept the August 14, 2013 meeting summary. With a voice vote, the Board voted unanimously to approve the August 14, 2013 meeting summary without changes.

**4. REPORTS**

- Financial Assurance – Mr. Bruce Palin reported that IDEM was having a discussion with a regulated entity concerning the option of adding a Certificate of Deposit as an additional mechanism used to satisfy the financial assurance requirement of the rule. He indicated that more time would be needed before bringing the Financial Assurance rule to the Board.
- Air Permitting Program Report – Mr. Matt Stuckey summarized the permitting activities during the State Fiscal Year 2012-2013. Mr. Stuckey also noted the overall improvements and structural changes made within the air permitting program.

Chair Gard inquired about whether outsourcing or in-house staff members were used to issue those permits.

Mr. Stuckey responded to Chair Gard's question by clarifying that 2008 was the last year the Air Permitting program outsourced any work. He added that all of the work is completed in-house, and that the contracts with consulting companies, contractors and other local agencies were discontinued.

Mr. Ken Rulon asked that if the 1-hour standards system makes it difficult to build in industrialized areas, would it force new facilities to be built in rural areas to avoid certain restraints.

Mr. Stuckey explained to Mr. Rulon that while moving to rural communities would be an option, it would not be the best economical option due to the lack of infrastructure in rural areas.

- IDEM Rulemaking Schedules – Ms. Chris Pedersen elaborated on the rulemakings listed in the IDEM Rulemaking Schedules chart that might come before the Board within the next several months.

## 5. RULEMAKING ACTIONS

### Ozone Designations and PM<sub>2.5</sub> Corrections Emergency Rule

Chair Gard opened the hearing for consideration of adoption of the Ozone Designations and PM<sub>2.5</sub> Corrections emergency rule and introduced Exhibit A, proposed emergency rule, into the record of hearing.

Mr. Zac Ruzycki spoke for the agency. He explained how the emergency rule temporarily amends 326 IAC 1-4 to add federal designations for Dearborn county, including Lawrenceburg Township, and Lake and Porter counties to nonattainment for the 2008 eight-hour ozone standard. He noted that this emergency rule adds federal designations to parts of Dearborn, Gibson, Pike and Spencer counties to attainment of the annual PM<sub>2.5</sub> standard.

There was no Board discussion.

Mr. Tom Anderson made a motion to adopt the proposed emergency rule and Mr. Gary Powdrill seconded. With a voice vote, the Board voted unanimously to adopt the Ozone Designations and PM<sub>2.5</sub> Corrections emergency rule.

### Central Indiana Annual PM<sub>2.5</sub> Redesignation Emergency Rule

Chair Gard opened the hearing for consideration of adoption of the Central Indiana PM<sub>2.5</sub> Redesignation emergency rule and introduced Exhibit B, proposed emergency rule, into the record of hearing.

Mr. Ruzycki spoke for the agency. He discussed how the emergency rule temporarily amends 326 IAC 1-4 to add federal designations for Central Indiana, including Hamilton, Hendricks, Johnson, Marion and Morgan counties to attainment of the 1997 annual PM<sub>2.5</sub> standard.

There was no Board discussion.

Ms. Joanna Alexandrovich made a motion to adopt the proposed emergency rule and Mr. Rulon seconded. With a voice vote, the Board voted unanimously to adopt the Central Indiana Annual PM<sub>2.5</sub> Redesignation emergency rule.

### Sulfur Dioxide Designations Emergency Rule

Chair Gard opened the hearing for consideration of adoption of the Sulfur Dioxide Designations emergency rule and introduced Exhibit C, proposed emergency rule, into the record of hearing.

Ms. Chris Pedersen spoke for the agency. She explained how the emergency rule would temporarily amend 326 IAC 1-4 to be consistent with the primary sulfur dioxide nonattainment designations that were published in the Federal Register on August 5, 2013.

There was no Board discussion.

Mr. Chris Horn made a motion to adopt the proposed emergency rule and Mr. Tom Anderson seconded. With a voice vote, the Board voted unanimously to adopt the Sulfur Dioxide Designations emergency rule.

### LSA #13-215 Sewage Sludge Incineration and Carbon Monoxide Monitoring

Chair Gard opened the public hearing for final adoption of amendments to 326 IAC 3-5-1, Sewage Sludge Incineration and Carbon Monoxide Monitoring. She then introduced Exhibit D, proposed rule, into the record of hearing.

Ms. Susan Bem spoke for the agency. She detailed how the language in this rulemaking would allow the sewage sludge incinerators a continuous emissions monitoring system for carbon monoxide as an alternative to total hydrocarbon monitoring.

Mr. Rulon expressed concerns on whether incinerating fertilizer and carbon source was the best environmental method to manage biosolids from the wastewater treatment plants.

Ms. Ann McIver, Director of Environmental Stewardship for Citizens Energy Group (CEG), addressed Mr. Rulon's comments and Ms. McIver clarified that CEG's wastewater treatment plant has the only sludge incinerator in the state to process such a large magnitude of biosolids.

There were no public commenters and no additional Board discussion.

Mr. Powdrill made a motion for the final adoption of the rule and Mr. Horn seconded. With a roll call vote, the Board voted 13 – 1 in favor of the final adoption of the Sewage Sludge Incineration and Carbon Monoxide Monitoring rule.

**6. NONRULE POLICY DOCUMENT (NPD) PRESENTATION**

Mr. Roger Letterman presented Emergency Generators, Air-037-NPD. Mr. Letterman discussed how the nonrule policy document regarding the permitting of emergency generators would apply to the United States Environmental Protection Agency's regulations.

**7. OPEN FORUM**

No additional issues were brought to the Board.

**8. ADJOURNMENT**

The next meeting is tentatively scheduled for 1:30 p.m., EST on Wednesday, January 8, 2014, at the Indiana Government Center South Conference Room A. Chair Gard adjourned the meeting at 2.12 p.m.

  
**CHAIRPERSON**

The summary is derived from Rule Development Branch staff members' notes. A typewritten transcript of the entire meeting is on file in the Office of Legal Counsel, Indiana Department of Environmental Management. To view approved summaries, you may go online to <http://www.in.gov/idem/4696.htm>.